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REMARKS
UPON
Dr. SHERLOCK'S BOOK,
INTITULED, The
CASE
OF THE
ALLEGIANCE
DUE TO
SOVERAIGN PRINCES,
Stated and Resolved, &c.

The Second Edition.

[Rev Samuel Johnson]

L O N D O N,

Printed for J. Humphries, 1690.

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REMARKS UPON Dr. SHERLOCK's Case of Allegiance, &c.

HAVING lately perused *Dr. Sherlock's Reasons* (as the Book is commonly called) I cannot forbear imparting to you some very few Observations upon them, not to show my Skill, Pref. p. 3. but to perform my Promise.

I observe in the First Place, That the Doctor thinks it necessary to convince all sober Christians, Pref. p. 4. That men may swear Allegiance to King William and Queen Mary, without renouncing any Principles of the Church of England. But I hope we were not in such a condition, as that

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All Sober Christians stood in need of such a Conviction. And God forbid the Principles of the *Church of England* should be such, as not only to create in *all sober Christians*, a doubt whether they might swear Allegiance to the Present King and Queen; but should be so obscure in the matter, as that so Learned a Man as the Doctor is reputed, and so Wise a Man as he would be thought (*for he never gave any*
pref. p. 2: just occasion to the world to mark him out for a fool) should be at almost Two Years Pains to make a Reconciliation betwixt them, and the Duty of Swearing Allegiance to this present Government; upon the continuance of which the Doctor does more than once or twice acknowledge the Liberties and Religion of the Nation to depend.

pref. p. 5. He confesses he stuck, and should have stuck to this day, had he not been relieved by Bishop Overal's Convocation-Book; and had not the Venerable Authority of a Convocation, given him greater Freedom and Liberty of Thinking, which the apprehensions of Novelty and Singularity had cramp'd before: How mean are we Lay-men in the eyes of these Gentlemen! Nothing that was done, said, or writ, at and after the Revolution,

tion, to justifie the Lawfulness thereof by the Laws of God and of this Realm, had any influence upon this Clergy-man's Judgment or Conscience, till he met with a new upstart Convocation Book. Nay, his very Thoughts were in chains, till the Venerable Authority of a Convocation, gave him Liberty to Think. What the Lords and Commons did, the Consent of a Nation, the approbation of all Protestants abroad, the Interest of Religion and the Publick Weal, were not considerable enough to give this man a liberty to think; his liberty of Thinking was cramp'd, till the Venerable Authority of a Convocation, came and set him him at liberty. I wonder the les to find him in his Book, enslaving his Life and Liberty, to what; in a mistaken Notion, he calls God's Authority; since I perceive his very Thoughts are slaves to an Assembly of Ecclesiasticks.

He waves the matter of Right, is not concerned in the Legality of the late Revolution; * to dispute the Right of Princes, is a thing which no Government can permit to be a question amongst their Subjects; such Disputes are needless in this Cause, and serve only to confound it, by carrying men into such dark Labyrinths of Law and History, &c. as

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very few know how to find their way out of again. To judg truly of the legality of the late Revolution, requires such perfect skill in Law and History, and the Constitution of the English Government, that few men are capable of making so plain and certain a judgment of it, as to be a clear and safe Rule of Conscience.

Laymen think Laws and Constitutions of Governments to be *safe Rules of Conscience* in these Cases; and no such dark Labyrinths as the Mysteries of the *Holy Trinity and Incarnation*, the *Satisfaction of our Saviour*, the *Judge of Controversies*, &c. which yet are all as plain to the Doctor, as a Pike-staff; the *Scripture* and *Reason* are admirably clear in all thele things; but the *Laws of a Nation*, and the *Constitution of its Government*, are a dark Labyrinth. None are so blind as they that will not see. Till some Proud, Ambitious Clergy-men, and Flattering Courtiers, either really or pretendedly ignorant of our *Laws* and *Constitutions*, set their own and other Mercenary Heads and Pens at work, to represent our Government in quite other than its own native Colours, out of a base Compliance with a Court that left no stone unturn'd, to overthrow it; till then,

then, I say, the Constitution of our Government was so well understood by our Fore-fathers, that they supported and asserted it from time to time, at a vast Expence of Blood and Treasure, and transmitted it down to their Posterity, as they had received it from their Ancestors, confirmed with all the Sanctions that the nature of the thing was capable of ; nor were ever beholden to a *Foreign Prince* to preserve it, till now ; nor needed to have had recourse to the *Prince of Orange* to assert their Liberties , if the overflowing of such *Bigotry* as this Gentleman is infected with, had not almost unmann'd the Nation, and prepar'd them for *Slavery* : And two ways were taken to effect it, the one, by persuading us, That we are Slaves by the Law of God ; and the other, by representing our Government as being *absolute* in its Original Constitution ; and that whatever Liberties the People claim a Right to, are either Concessions from the *Crown*, or *Usurpations* upon it. And because some ignorant People have been imposed upon by the mis-application of *Scripture* by the *Clergy*, and by misunderstanding and mis applying our Ancient

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cient Histories and Records, and not thoroughly searching them neither, our Constitution and Fundamental Laws must now be represented as not clear, nor a safe Rule for Conscience; and therefore another must be set up instead of them, invented by a Clergy-man in his Study, directed in his Enquiry by a few of his own Profession, either ignorant of our Constitution, or profess'd Enemies to it, or both; and this Rule of Conscience not so clear neither, but that our Spiritual Guides are together by the ears about it, and the Learned Dr. Sherlock has been all this while finding it out: But found it he has: The Mountains have been in Labour, and behold the Mouse!

P. 2, 3. God, when he sees fit, and can better serve the Ends of his Providence by it, sets up Kings without any regard to Legal Right, or Human Laws.

Kings thus set up by God, are invested with God's Authority.

Subjects are bound to Obey, and to Pay and Swear Allegiance (if it be required) to those Princes whom God hath placed and settled in the Throne, when they are invested with God's Authority.

This

Cafe of Allegiance, &c.

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This is no new Invention of the Doctor's, nor does he pretend to it; he had it (it seems) from Bishop Overal's Convocation-Book. But Sir Robert Filmer broached it before that Book came out, in his Patriarcha; and that it will serve the turn of every Usurper is evident, nor does the Doctor deny it.

But that the possession of the Throne, and the actual Administration of a Government, creates a Right, the Doctor is positive in; nor such a Right as shall Entitle a King to be what we poor Lay-men call a *King de Jure*; but to be a *Rightful King* with respect to God: And why so? Why, because the most High Ruleth in the Kingdom of Men, and giveth it to whomsoever he will, and setteth over it the basest of Men. It is he that removeth Kings, and setteth up Kings. Shall there be evil in the City, and the Lord hath not done it? They are the Ministers of God. All Power is of God, the Powers that be, are ordained of God. I exalted thee out of the dust, and made thee Prince over my people Israel.

Now I cannot understand the Doctor's Inference from such Expressions as these. That God Governs the World, and that all things come

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come to pass by his Providence, I hope is past dispute. And that such expressions as these, are to be understood only of God's Ordinary Providence in the guidance of Human Affairs, will perhaps appear by the common style of *Scripture*, in ascribing all things of what kind or nature soever, natural or moral, good or bad, immediately (in words) to the first Cause. God is said

*Isa. 28.
26, 29.*

to instruct the Plowman in discretion, and to teach him: And that his skill cometh from the Lord of Hosts, which is wonderful in counsel, and excellent in working. So God filled Bezaleel with the

Exod. 35.

31. Spirit of God, in wisdom, in understanding, and in knowledg, and in all manner of workmanship.

Job 40. 9. Thunder is said to be the Voice of God. God hardened Pharaoh's heart. Is there evil in the City, and the Lord hath not done it? So God sets up Princes, and removes them, by the Events of Providence: But that their Authority is derived immediately from God, or that they have, when settled in the Throne, any other Authority than what the Constitution of the Government allows, much less that they can have an Authority from God, in opposition to a Legal Right, I shall believe, when

when I see a Prince work greater Miracles than Curing the King's Evil, to Justify the delegation of such Authority.

The Doctor, throughout this Discourse, runs upon a notion of Mens Duty to *Princes only*, as if the Persons of Princes were the sole Objects of our Duty and Obedience; That is his πεπονικός άριστας · and proceeds from his Ignorance of the Nature of Human Laws in Political Governments. It is a notion that suits only with a Despotical Government, which is down-right Tyranny; nor has the Doctor an Idea of any other: And if he had not been invincibly prejudiced against the Truth, by the ignorance of his Education in things of this nature, that excellent Discourse of Mr. Johnson's, in Answer to his Book of *Non-resistance*, would have had another effect upon him than a scornful Reprinting of his own Book in Answer to it.

His second Section is taken up with proving from Bishop Overal's Book, That though the Church of England has been very careful to instruct her Children in their Duty to Princes; to obey their Laws, and submit to their Power,

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and not to resist, though very injuriously oppressed; and that those who renounce these Principles, renounce the Doctrine of the Church of England; that she takes care to condemn all those wicked means whereby changes of Government are made; yet she teaches, that when such changes are made, the Authority is God's, and must be obeyed.

Here we learn, That if this be the Doctrine of the Church of England; then by the Laws of God, as the Church of England understands them, and teaches them to her Children, all the people of England are Slaves. For to be injuriously oppressed, is to be oppressed contrary to Law; *Executio Juris non habet injuriam*; No Man can pretend that he or any body else is injured, when the Laws have their course. But from very injurious oppressions, the true Sons of the Church of England have no redress, because they must not resist the Authority of God, which the Prince Regnant is invested with. Whatever the Constitution of the Government be, whatever Laws your Forefathers have provided for the continuance and preservation of it; whatever Legal Right you may fancy you

you have to your Lives, Liberties, Religion, Properties; if you assert and defend this Legal Right in opposition to the very injurious oppressions of your Princes, who in a Limited Government (as yours is acknowledged to be) have but a limited Power by Law; yet in so doing, you oppose the Authority of God: And so your Laws are but Cobwebs; your Legal Right, an Imaginary Notion: Your Princes have an Authority from God to cancel your Laws, and dispose of you and your Rights as they see Cause. Thus by the Doctrine of your Church (as this Gentleman represents it) you are in no better a condition, than if you were Subjects to the Grand Seignior.

Your Forefathers, (who fought for your Liberties, in opposition to the Tyranny of K. John, K. Henry the 3d. K. Edw. the 1d. &c. and who, if they had acknowledged such an irresistible Authority in their Princes, as the Doctor contends for, and had not vindicated the Government by force of Arms, you their Posterity had long before now been in the same, or a worse condition than the Peasants of France) were all *Traytors and Rebels*, tho' warranted by

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the Laws of the Land to make opposition, nay, and sworn so to do by the King's own Commission, as particularly in the Reign of King *John*, and King *Henry the Third*. This Notion of an *Inresistible Authority* in your Princes, because they have *God's Authority*, was not then hatch'd : nor did it appear in the World till the degeneracy of the Reformation brought it forth : For Queen *Elizabeth's* Parliaments and Convocations were of another Opinion : as has been proved by many Instances of their giving her Subsidies to relieve distressed Subjects against their own Princes : and when *Sibthorp* and *Manwaring* broached those Traiterous Positions in King *Charles the First* his time, they were impeached in Parliament, and severely censured for it. Yet notwithstanding all, this Clergy-man will have it be the Doctrine of the Church ; which if it were pursued, does unavoidably destroy the State ; and therefore by his own Argument (*pag. 44.*) can be no good Doctrine ; because, if pursued, it would subject all Human Societies to be destroyed ; whereas he acknowledges the End of Government to be the preservation of Human Societies.

And

And he has the assurance to publish his Conceits of this kind, under a Government, that has been happily settled amongst us in opposition to, and in spight of these slavish Conceits of some of our Clergy. A Government, which those who contributed to erect, this Doctor brands with the loudest Calumnies: and yet under which he now seeks protection, and which he acknowledges now at last, being convinc'd thereof by the *Events of Providence*, to have the Authority of God, though introduced by the Devil.

But how does it follow, That this Doctrine of his must therefore be received as the Doctrine of the *Church of England*? because he finds it in *Bishop Overall's Book*. Do the *Canons of a Convocation*, neither assented to by *Act of Parliament*, nor so much as by the *King's Letters-Patents*, make, or authoritatively declare the *Doctrine of the Church of England*? Is the *Convocation* the Representative Body of the *Church of England*? (I know they tell us so in the *Canons of 1603*. But I never found that any but some few of the *Clergy* believed them) Has what he calls the *Church*, a power to determine matters of *Civil Right*?

Right? Are we to go to School to Clergy-men
to learn the Terms and Measures of our Duty
and Allegiance to Magistrates; which all Man-
kind, but a few of that Profession in our own
Nation, acknowledge to depend upon Hu-
man Laws, and the several Constitutions of
Government, and which the body of our
Clergy are so ignorant of, that they are a dark
Labyrinth to them. *When the blind lead the blind,*
both shall fall into the ditch. And yet his Argu-
ment drawn from the pretended Canons of
that Convocation, are as good Authority as can be
urged to the Members of the Church of England;
for if a Convocation cannot declare the Judgment of
the Church of England, he knows not where we
shall learn it. So that the Members of the
Church of England are to be guided in mat-
ters relating to their Temporal Rights, by an As-
sembly of their Clergy: Though even our
Popish Ancestors protested from time to time
against the Authority of the See of Rome in
Temporalibus. But I can tell him whence,
and whence only he may learn the Doctrine
and Judgment of the Church of England au-
thoritatively; viz. in the Articles and the Li-
turgy, which have the publick Sanction of

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the Legislative Authority; not in his Spurious *Canons* of 1610, nor in those of 1640, nor yet in the *Homilies*, though appointed by Act of Parliament to be read in Churches; for so is the *Apocrypha*; and yet we do not submit to those Books as *Autoritative*. All other Writings are but the Opinions of private Men.

The rest of that Section consists of some Stories of *Jehu*, *Abab* and *Jezebel*; The *Moa-bites* and *Aramites*, *Ehud* and *Eglon*, the Kings of *Egypt* and *Babylon*, the *Four Monarchs*, *Alexander*, *Darius*, *Jaddus* and *Cesar*. All which are no more to us, than if he had told us a Tale of *Tom Thumb*, or *Guy of Warwick*.

But it is no new thing for the Clergy to top Foreign Laws and Governments upon us; One of their *Canons* in 1603. is, *Quicunque in posterum af-simabit Potestatem Regiam non habere eandem Autho-ritatem in Causis Ecclesiasticis, quam Pii Principes apud Iudeos & Christiani Imperatores in Primitiva Ecclesia obtinuerunt, &c. Excommunicetur ipso fa-cto, &c.* Our King's Jurisdiction in matters Ecclesiastical, is settled and bounded by Laws of this Realm; and these Laws we look up-on

on as the measure of their Authority. But Clergy-men make nothing of Human Laws, at least not of the *Laws of England*; But send us to the *Jews*, and to the *Romans*, to enquire what Authority their Princes had, and very boldly determine, under the penalty of *Excommunication*, That *Our Kings have eam dem potestatem*: And yet they neither know what power *our Laws* allow to *our Kings*, nor what *their Laws* allow'd to *theirs*.

He grants, that *King's set up by God*, have *God's Authority*; and that *all Kings who are in the actual possession of the Government*, are *set up by God*: And therefore having *God's Authority*, *Allegiance* is due to them. So that he resolves the Duty of *Allegiance* into the Authority committed by *God* to the Prince; the committing of which Authority appears by the *Events of Providence*. For *Providence is God's Government of the World by an invisible Influence and Power*; the *Ends of which he serves by overruling mens wicked Designs to accomplish his own Councils and Decrees*, and either *disappoints what they intended*, or *gives success to them*, when he can *serve the Ends of his Providence by their wickedness*.

But

But how shall Subjects judg when God serves the ends of his Providence by men's wickedness, and consequently when their obedience becomes due to a new Prince? why, obedience is due to God's authority, when we can reasonably conclude that God has made him King: That is, when the Providence of God has settled him in the Throne. But there are different degrees of settlement, which require different degrees of submission. The Doctor has gone hand in hand with Providence ever since the Revolution: The generality of the Nation submitted to the present King and Queen, and placed them on the Throne, and put the whole power of the Kingdom into their hands, though it may be the Doctor could not think them settled by Providence, whilst the late King had such a formidable power as made the Event doubtful, yet because he thought fit to continue in the Kingdom, he could live quietly and peaceably, pay taxes, give them the title of King and Queen, and pray for them as such, because we are bound to pray for all that are in authority, and that their Majesties had, because they had power to do a great deal of good or a great deal of hurt. Here power to do good or harm

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is authority; And Thieves and Robbers have that. But it may be the King and Queen had Gods authority all this while, before the Doctor thought fit to own it by swearing Allegiance to them; because he did not know they had it, till the power of the dispossessed Prince was broken, and no visible prospect of his recoverin his Throne again. So that men of the Doctor's opinion must watch till God has play'd his game out; before they can be ascertain'd what his will and pleasure is in these matters of obedience and swearing Allegiance to Princes. For the will of God, when known, is the rule of Conscience. But the will of God in these cases is no otherwise to be known but by the Events of Providence. So that men of such Principles as this Gentleman represents to us for *Church of England* Principles, must stay til the storm be over, and then they'll tell us 'tis fair weather. I cannot sufficiently express my indignation against men that can have the confidence to represent the *Church of England*, which is the body of the People of England, and who have a right to their Properties, and Religion as far

far as these words, *Right to Properties and Religion* can be extended, as a sort of men who must not stir their finger in opposition to a Prince that invades this Right all at once, upon a supposition that the Prince is invested with God's Authority; as if a man could act by God's Authority in opposition to the *Laws of the Realm*, and his own Oath to observe them, and cause them to be duly executed; as if Princes had any other Authority from God, then to govern according to Law; as if resisting a *Lawless Authority*, which is no Authority, were resisting the Authority of God; as a sort of men to whom the Laws and Religion of the Nation, upon which all that can be dear to us depends, must never owe any thing for their preservation, tho in the greatest extremities, so long as they are guided by the spirit of their Church (tho thanks be to Heavens a late Divine Dr. Hickman has furnished us with a distinction betwixt that and the Spirit of God); No, they must be quiet and suffer all to be trampled under foot by God's Authority, unless wicked men form designs against God's Authority to preserve the Authority of the Laws and the Profession of God's true Religion: So that the

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best things that can be done in the World must be done by *wicked men*, and in opposition to *God's Authority*, or not be done at all. And all this while that the Church must sit still, the *Providence* of God is at work by means of the Devil and his Agents, *wicked men*, against his own authority, which a King that has a legall title, but exercises an illegall power, is invested with ; and herein consists the unsearchable Wisedome of Providence that God serves his own Ends by their Wickedness. It seems he can never serve his Ends by the Godliness of the Church ; but must carry on Ends for their good, by the free Ministeries of *wicked men*. All you Patriots, that with the hazard of your Lives and Estates stopt into the gap to prevent *Popery* and *Slavery* coming in like a torrent upon Church and State, and who in so doing thought you did God good service, because your End was the preservation of your own and your Countries Liberties, Properties and Religion under a legal administration of the ancient English Government, were all that while fighting against God, you were resisting the power ordain'd of God, and so doing you receiv'd to your selves damnation ; and tho' God

God has wrought a deliverance through your wickedness, no thanks to you ; tho' the Nation has consented to what you have done by as universal a consent as perhaps was ever heard of, this National consent is but an indication that God has given the King and Queen his Authority, but does not invest them with any *legal Right*, that remains in the dispossessed King yet : So that you and the Nation have but been endeavouring to transfer what it is not in your power to transfer, viz. a *legal Right* : And you have transferred what you never intended to transfer nor ever acknowledged ; viz. an *irresistible Authority* from God : Dr. Sherlock has found out now what you were then doing, and sees the consequence of your Actions, to your selves and all men else unknown. You aided the Prince and promoted the Ends of his Declaration, which were to deliver the Nation from *Popery* and *Sla-
very*. so as it might never be in the power of any Prince hereafter to introduce either ; but D. Sher-
lock tells ye, that can never be done, for it ne-
ver will be Lawful nor indeed possible to ex-
clude *Slavery*, because every Prince has God's
authority, which is *irresistible*, and I'm sure
of nothing tho' most *Englishmen* he-
reabouts

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he that is your Prince, and is by the Law of God irresistible, to him you are slaves by the Law of God. So that you have but changed Masters according to his principle, one of a rough temper for a more mild one: And all your security depends upon the good nature of your Prince for the time being.

I neither have leisure, nor if I had that, can I have patience, nor, if I had both, can I think it worth my while to run through the Book, and animadverit upon it Paragraph by Paragraph: For if it were much better written than it is, yet the writing of him, who slighteth and despiseth to that degree, that he does upon all occasions every man's reason but his own, and in this Discourse sets up an *Hypothesis* of his own for a Rule to men's Consciences in matters of Government, without any regard to the Laws of the Nation can hardly deserve so much regard as a serious answer would require.

p. 16.

He tells us that *an Oath to the dispossessed Prince ceases Cessante materia*, for though the man be still in being, the King is gone. So that the Kingly authority may be transferr'd from one person to another

another, But then they that assist and defend the new Prince in opposition to the title of him that is dispossessed, must (I hope) not for the future abhor that treasonable Doctrine and Position of levying War by the King's authority against his person, &c.

He tells us the Scripture makes no distinction between Rightful Kings and Usurpers : The Rule is general ; let every Soul be Subject to the higher powers, &c. Nor does the Scripture define to us, who these higher Powers are : And I'm sure they are not the same every where ; In what person or persons the Powers lodge, which here are said to be ordain'd of God, and with what degree of Power they are invested, depends upon the several Constitutions of Governments ; for if it be equally resisting God's Ordinance to Resist all Princes without distinction ; then I know no difference betwixt an absolute and a limited Monarchy : then Princes have some dormant Authority or other, which the Law does not give 'em. Which are Principles of slavery peculiar to this last Age, and to some of the English Clergy.

P. 17.

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He will not have St. Paul to be understood of lawful powers only, for then it would be necessary for Subjects to examine the titles of Princes, which would involve the Consciences of men in perplexities; for these are disputes amongst learned men, and he cannot think that the resolution of Conscience in matters that all mankind are concerned in, should depend upon such niceties as learned men themselves cannot agree in. He will hardly allow this Position, with reference to matters of Religion, which yet I think all Mankind are or should be concerned in. Nor ought a rule to be rejected upon a supposition that it is not clear, because learned Men differ about it; unless at the same time a New One be set up, which all learned Men doe agree in. But the disputes about Government are various, and that amongst very learned Men; and yet to the best of my Observation, all Men hitherto learned and unlearned have agreed that the Laws of a Nation, and the Constitution of it's Government are at least a safe, a true rule for Conscience: which if we shall leave and follow some *Ignis fatuus* of a Schollar's Invention,

I know not whither it may lead us at last; nor, but if we may be led into error. The Laws of a Nation may be trampled under foot and its Constitution broken by an inundation of Foreigners; this is a force and a force gives no right, let the Doctor tell us to the world's end of *All things being equally rightful with respect to God*; men that are under a force, have a Right from Self-preservation, which is a Law of Nature and consequently of God, to rid themselves of that force if they can. Conquests end, when the Conquerors and Conquered come to mutual Facts and Agreements, which are the Laws by which they agree to rule and be ruled for the future. Till such subsequent Facts intervene, the conquered People shift for themselves as well as they can: But where there is no pretence nor appearance of any Conquest, where the Laws of a Nation, which are the publick Agreement of all the nation for their mutual defence and security, retain their force; they cannot be good subjects, who set up any other rule of conscience in matters of civil Right, Property or power: for that other rule is either

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agreed

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agreeable with the Law, and then we need it not; or it is contrary to it, and then they that advance it, are enemies to the Constitution. I know little difference betwixt assuming an authority to govern the State, and setting up other rules than that of the Law to guide men's Consciences by in matters of Allegiance and Obedience to the civil Magistrates.

pag. 21.

Our Saviour's argument relies wholly on possession of power; whose Image and superscription hath it? If such a possession as having the Coynage of Mony requires Allegiance, the Dator ought to have taken the Oaths when the new money came out. If not, then our Savior's argument does not justify him now.

pag. 22.

We have no directions in Scripture about restoring a dispossessed Prince to his Throne again. But if the dispossessed Prince retain a Legal right, then we are directed to restore him, Rom. cap. 13. v. 7. Render unto all their dues, tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour. If the late King have a legal right to the Crown, he has a legal right to the Excise, the Customs, and Hearth-money, &c. And if he has a legal right to them, they are due to him.

him. And if they are due to him, we are commanded to render them to him. And that the Late King may yet have a legal right to the Crown, the Doctor agrees. The Providence of God removes Kings and sets up Kings, but alters no legal rights. We are commanded to do as we would be done by; and none of us would be deprived our selves of our own legal rights.

If the Late King have a legal right yet, then no English subjects can have a legal Right to oppose him; unless a man can have a legal Right to an Estate, and at the same time another have a legal Right to withhold it from him; which is to make the Law a contradiction to it self; and yet these are the necessary consequences of the Doctors Positions.

That one Prince is at present placed in the Throne, and the other removed out of it, does not divest the dispossessed Prince of his legal right and claim, nor forbid him to endeavour to recover his Throne, nor forbid those, who are under no obligation to the Prince in possession, to assist the dispossessed Prince to recover his Legal Right: A Legal and successive Right bars

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all other Humane Claims; so that the *dispossed Prince* has a just cause of War against the *Prince in possession* for the recovery of his *Legal Right*. And they that are under *no obligation to the Prince in possession*, are not forbid to assist him: Who these are that are supposed to be under no obligation, &c. I know not. I hope if the *Prince in possession* be *thoroughly settled*, he has *God's Authority*, and then all they that are his Subjects are under some *obligation to him*, or else *God's Authority* stands for nothing. But if foreign Princes are meant by *those who are under no obligation*, then at least the *King of France* has a just cause of War upon us to restore *King James*: And then at whose Doors must the Blood lie that is spilt in the War? If the *late King* have a *legal Right*, he has a *Right by our Laws*; and then in opposing his Title we fight against our own *Laws and Government*. If the *late King* have a *Legal Right to the Crown*, then a man must be very learned indeed to be of opinion that the obligation of our Oaths of Allegiance to him ceases. It is not enough for the Doctor to say, *That it was necessary for him to reason upon*

upon the supposition of unjust Usurpations, and illegal Revolutions, &c. and that he was far from intending to reflect upon the present Government. With Reverence be it spoken, is a common saying with some, when they are going to speak blasphemy. His standing out so long, the grounds of his present compliance, his avowed Principles in his Book of Non-resistance, which he here justifies excepting in one *punctilio*, shew undeniably that the Doctor acknowledges no other Right in Their Present Majesties, but an Authority from God of his own inventing; and that their only firm security, because only satisfactory to the Consciences of their Subjects, that of a Legal Right, which indeed is God's Authority, (and we acknowledge no other in these matters,) is by this Writer, as far as in him lies, quite blown up.

The duty of Subjects is to obey their Prince pag. 27 whilst in possession; but Kings must take care to preserve their Crowns by good Government: For if they notoriously violate their Subjects Rights, &c. it is too much for Subjects to venture their lives and fortunes, to keep them in the Throne to oppress them. But why should not Subjects

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jects be obliged in Conscience to defend such an injurious Prince? He has a *Legal Title*, *Possession*, a *Settlement*, he has *God's Authority*, he is *irresistable*, and has the *Sovereign Power*. And is it no part of *Sovereign Power* to command the service of his Subjects? No, he is entitled only to a *legal defence*, the *Militia*, and the *Posse Com.* Thus when men are at a pinch, they seek refuge where they can. When their *Doctrine of Non-resistance*, and a thousand other ascriptions to the Power of the Prince turns upon them, they shelter themselves under the *Law of the Realm*. Which when things go as they would have them go, they subject to the Prince's pleasure: And to excuse their taking shelter under what they have so basely betrayed, they tell us tho' they taught *Non-resistance*, they may practice *Non-assistance* without foregoing that Doctrine. So they may suffer the *Lord's Anointed*, the *Light of their Eyes*, and the *Breath of their Nostrils* to be taken in the *Pits of Wicked Men*; when he does not serve their turn, and be good Loyalists, good Church of *England* men, good King's men for

for all that. *Quo teneam vultus mutantem
Protea nodo?*

This Doctrine of Obedience and Allegiance to the present Powers is founded on the same principle with the Doctrine of Non-resistance and Passive Obedience. How the Doctor new moulds the Doctrine of Non-resistance, &c. to square with his Hypothesis, I am not concerned to trouble my self about. I cannot but wonder that any good stream should issue from so corrupt a Fountain, as that Doctrine (so as it was lately preached up and inculcated) proceeded from. But as that Doctrine was taught of late, the Argument must run thus, 'Because the late King Charles and King James had received a Sovereign Authority from God, which must be obeyed and not resisted, thô the latter be now *de facto* deprived of the exercise of that Authority by Rebellious Subjects, aided by a Foreign Prince, to accomplish their wicked enterprise, which does not divest the said late King James of a Legal Right to recover it again ; Therefore I do swear Faith and true Allegiance to their Majesties King William and Queen Mary, &c.

The

pag. 36.

Remarks upon Dr. Sherlock's

I pass over many things that are so obvious, as not to deserve a particular Observation; as the contradiction he is guilty of in telling us, that he could never find the Scriptures made any difference between Lawful and Usurped Powers, and yet that he stuck, and had stuck to this day, had he not been relieved by Bishop Overall's Book; tho all the help that Book could give him, was by helping him over that distinction. *Oportet Mendacem esse memorem.*

Another thing is the New-coyn'd account he gives of a limited Monarchy, viz. that in a limited Monarchy we are bound *not to resist*, only we are not bound to *affit*. The saucy introducing of private men's whimsies into Schemies of Government in opposition to Laws of Nations, and the common sense of Mankind, has been observed before. But let the Doctor here take notice of an Expression of a far greater Man than himself, which comprehends the true notion of a limited Government; *Ubi Rex summa potestatem non habet, sed partem alteram populus aut Senatus, Regi in partem non suam inviolati, vis justa opponi poterit, quia easterius non est superior.* Grot. de jure Belli & Pacis.

He takes a great deal of pains to distinguish betwixt the present Case, and that of the late times under the Long Parliament, Oliver Cromwel, &c. and it is very observable how he gets over it upon his Principle. Why, the Government of the Nation was then quite overwhelmed; we had no King, nor Lords, and but a part of the House of Commons, who carried all by force. And what then, I hope there were Powers in Being; and if so, they were of God,

God, tho usurped. *But there was not a Settlement.* I know not what he calls a Settlement; the *Highlanders in Scotland* were subdued, *Ireland* quite reduced, the Government then in being, such as it was, acknowledged by all the Princes and Governments of Christendom, nor was there then a Powerful Prince that waged War against the then Powers in behalf of the then dispossessed Prince. But the truth of the difference is this, *the then Powers were no friends to the Bishops.*

When men are once out of the right way, they wander in various By-paths; and so the *Doddar, Hobbs, Filmer, &c.* leaving the Law of the Land, which is an agreement betwixt all Subjects, and flying to other notions of Power, and *God's Authority*, and the *Law of Nature*, and no body knows what, may please themselves with the Wit and Novelty of their own Speculations, but I am perswaded will never find the Body of the People influenced by what such Learned must be at so much pains to find out, and dress up with any tolerable appearance of sense.

The Doctor is much concerned to free God from any confinement to Human Laws: But since he would not have men violate them, he ought (I should think) to shew that in taking the present Oaths he has not done it himself: Tho God is not confined to Human Laws, I do not know how the Events of his Providence can justifie men's breaking them, and their own former Oaths both at once. They that come into the interest of this present Government, upon the true Legal Foundation, upon

Remarks upon Dr. Sherlock's &c.

which it stands, have broken neither. But how to entertain the Doctor's imaginary Hypothesis of a Divine Authority, in opposition to a Legal Right; which is to make the Government of Divine Institution, and yet contrary to Law: How to make it safe for King and People upon his Bottom, I know not; nor, shall enquire any farther.

God made man upright, but he hath found out many inventions.

To the Law and to the Testimony, if they speak not according to this word, it is because there is no light in them.

*The Dogger is much concurrit to see God's power
and conseruacion to Humanitie: But this
is the Dogger ad modicis vixit non bene non bluox
mox ad modicis vixit non bene non bluox
F I N I S.*

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